

Translation

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PATENT COOPERATION TREATY

PCT/ES2003/000512



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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 2003863	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/ES2003/000512	International filing date (day/month/year) 08 October 2003 (08.10.2003)	Priority date (day/month/year) 09 October 2002 (09.10.2002)
International Patent Classification (IPC) or national classification and IPC A23L 1/36, A23B 7/16		
Applicant LA MORELLA NUTS, S.A.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 3 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of _____ sheets.
3. This report contains indications relating to the following items:
 - I ☒ Basis of the report
 - II ☐ Priority
 - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV ☐ Lack of unity of invention
 - V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI ☐ Certain documents cited
 - VII ☐ Certain defects in the international application
 - VIII ☐ Certain observations on the international application

Date of submission of the demand 19 April 2004 (19.04.2004)	Date of completion of this report 15 June 2004 (15.06.2004)
Name and mailing address of the IPEA/ES	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/ES2003/000512

I. Basis of the report

1. With regard to the elements of the international application:*

- ☒ the international application as originally filed
- ☐ the description:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the claims:
 pages _____, as originally filed
 pages _____, as amended (together with any statement under Article 19
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the drawings:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-31	YES
	Claims		NO
Inventive step (IS)	Claims	1-31	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-31	YES
	Claims		NO

2. Citations and explanations

Claim 1 of the document in question relates to a dried fruit covered with a film comprising an edible compound selected from various cellulose derivatives, gum arabic, malto dextrin, one or more fats and mixtures thereof. Claims 2 to 11, which are all dependent on claim 1, concern the different combinations of edible compounds used, the percentages of these compounds, the thickness of the covering film, the addition of protein to the film, and the incorporation of an additive.

Claim 12 relates to a method of producing the dried fruit according to the preceding claims, the method consisting of a step in which the filmogenic solution containing the edible compound and a solvent is applied and of a step in which this solution is dried. Apart from the features corresponding to the dried fruit which is the subject of the preceding product claims, claims 13 to 30, which are all dependent on claim 12 or on claims which are themselves dependent on claim 12, refer to the parameters and the equipment used in the drying step, to the possibility of repeating both method steps a variable number of times, and to the fact that the resultant layers are the same or different.

The last claim concerns a dried fruit according to any one of product claims 1 to 11 that can be obtained according to the method of any of claims 12 to 30 and contains an additional covering.

International search report citations:

WO9115548 refers to aqueous covering films of malto dextrin and cellulose polymer, likewise containing a plasticizer. Whilst the present application considers this plasticizer a possible additive, in the citation it is part of the composition used.

US4981707 concerns food coverings essentially consisting of dextrin and a smaller proportion of xanthane or carboxymethyl cellulose or mixtures thereof. This combination of substances is not mentioned in any of the claims of the present application.

US4822625 concerns a method of roasting dried fruit covered with a first covering layer in the dry state, a second layer of dry residue obtained from an aqueous solution of honey and a covering material which may be xanthane, gum arabic, guar gum and dextrans and a third, final, layer based on honey, sugar and salt.

US4543370 - composition of an edible covering film - relates to a powdery composition composed of a polymer, which may consist of cellulose and which forms a film, pigment particles and a plasticizing polymer. The latter is not part of the covering composition as claimed in the present application and, as in the second citation mentioned in the report, one of the ingredients used in this American patent, the pigment or colorant, is only a possible additive in the present application.

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In view of the prior art, it is considered that all the claims of the present application meet the novelty, inventive step and industrial applicability requirements, pursuant to PCT Article 33(2) to (4).